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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

YELENA NIKOLAYCHUK, Personal  
Administrator of the Estate of Igor  
Nikolaychuk

Plaintiff,

v.

NATIONAL CASUALTY COMPANY,  
Defendant.

Case No. \_\_\_\_\_

DEFENDANT NATIONAL CASUALTY  
COMPANY'S NOTICE OF REMOVAL  
PURSUANT TO §§28 U.S.C. 1332 and 1441

[DIVERSITY JURISDICTION]

TO THE JUDGES AND CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendant NATIONAL CASUALTY COMPANY ("Defendant") hereby removes the above-entitled civil action from the Multnomah County Circuit Court for the State of Oregon, to the United States District Court for the District of Oregon, pursuant to 28 U.S.C. §§ 1332 and 1441, because there is complete diversity of citizenship between plaintiff YELENA NIKOLAYCHUK ("Plaintiff"), on the one hand, and Defendant, on the other hand, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

In support of this Notice of Removal, Defendant further states:

1. On May 8, 2017, an action was commenced in the Multnomah County Circuit Court for The State of Oregon entitled *Yelena Nikolaychuk, Personal Administrator of the Estate of Igor Nikolaychuk v. National Casualty Insurance*, as Case Number 17CV18825. Plaintiff is seeking to recover underinsured motorist insurance benefits under a policy of insurance issued by Defendant. A copy of the Complaint is attached as Exhibit "A."

2. Defendant first received a copy of the Complaint on May 15, 2017, when Defendant was served with a copy of the Complaint and summons. A copy of the summons and notice of service of process are attached as Exhibit "B."

3. The action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states.

4. Defendant is informed and believes that Plaintiff is, and was at the time of filing of this action and of this Notice of Removal, a citizen of either the State of Oregon or the State of Washington.

5. At the time of the filing of the Complaint and this Notice of Removal, Defendant National Casualty Company is an Ohio corporation, and with its principal place of business in the State of Ohio.

6. Plaintiff and Defendant are citizens of different states. Accordingly, complete diversity exists pursuant to 28 U.S.C. § 1441.

7. Furthermore, Plaintiff is seeking to recover \$975,000.

8. Accordingly, this action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a), and one which may be removed by Defendant pursuant to 28 U.S.C. §§ 1441 and 1446, in that it is a civil action wherein the matter in controversy exceeds \$75,000 (exclusive of interest and costs) and is between citizens of different states.

9. Additionally, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) which provides that, "[t]he notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy

of the initial pleading setting forth the claim for relief upon which such an action or proceeding is based...." Defendant was served on May 15, 2017. As such, this Notice is timely.

10. Pursuant to 28 U.S.C. § 1446(d), Defendant is filing a copy of this Notice of Removal with the Clerk of the Multnomah County Circuit Court for the State of Oregon.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing this Notice of Removal to Plaintiff Yelena Nikolaychuk, Personal Administrator of the Estate of Igor Nikolaychuk.

WHEREFORE, Defendant National Casualty Company files this Notice of Removal of this action from the Multnomah County Circuit Court for the State of Oregon, in which it is now pending, to the United States District Court for the District of Oregon, Portland Division, located at 1000 SW 3<sup>rd</sup> Ave #740, Portland, OR 97204.

Defendant National Casualty Company hereby requests that this Court exercise jurisdiction over all further proceedings in this action.

DATED: June 13, 2017

SELMAN BREITMAN LLP

By: /s/Adam E. Jones  
Adam E. Jones

Attorneys for National Casualty Company

**CERTIFICATE OF SERVICE**

I, Kristine D. Wood, certify that on the date noted below, I caused a true and correct copy of the foregoing NOTICE OF REMOVAL to be served upon the following parties via the method indicated below, addressed as follows:

<b>Ivan S. Zackheim, OSB 763880</b> <b>1750 SW Skyline Blvd. Suite 220</b> <b>Portland, OR 97221</b> <b>Email:</b> <u><a href="mailto:ivanpdxlaw@gmail.com">ivanpdxlaw@gmail.com</a></u>	<input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery
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DATED this 13th day of June, 2017 at Portland, Oregon.

SELMAN BREITMAN LLP

By: /s/ Kristine D Wood  
 Kristine Wood  
 kwood@selmanlaw.com